

# EXECUTIVE ORDER



Subject:	<b>Extreme Risk Protection Orders</b>
Number	<b>20-006</b>
Effective Date	<b>February 11, 2020</b>
Related To:	GO-OPS-304.11 (Intrafamily Offenses) GO-SPT-902.01 (Firearms Registration and Receipt of Abandoned or Found Weapons)

DISTRICT OF COLUMBIA

## I. PURPOSE

The purpose of this order is to provide members with information on the District of Columbia's new "Red Flag" law that allows certain individuals to petition the court for an Extreme Risk Protection Order (ERPO) which, if granted, requires the temporary removal of firearms and ammunition from potentially dangerous persons.

## II. BACKGROUND

The *Firearms Safety Omnibus Amendment Act of 2018* establishes a process for obtaining ERPOs. There are two types of ERPOs:

Ex Parte ERPO	A temporary court order that prohibits a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license. It may be issued without the respondent present or having notice of the hearing. The order may last for a period of up to 14 days at a time.
Final ERPO	A court order that prohibits a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license for one year after the date and time the ERPO is issued and may be renewed.

The following people may petition the District of Columbia Superior Court (DCSC) for an ERPO when they believe there is sufficient information to indicate that the respondent poses a significant danger of causing bodily injury to him or herself or others by having possession of firearms or ammunition:

1. Sworn members of the Metropolitan Police Department;
2. Mental health professionals, including but not limited to a person licensed to practice medicine or psychology, a licensed social worker, and a professional counselor; or
3. An individual related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship.

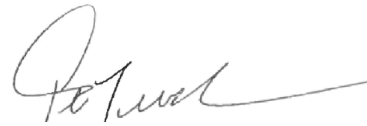
### III. PROCEDURES

- A. Generally, ERPOs are used in cases involving firearms legally registered in the District; cases involving illegal firearms will be handled under existing enforcement procedures.
- B. If a member believes a legally registered gun owner in the District of Columbia poses a significant danger of causing bodily injury to him or herself or others, the member shall contact his or her supervisor for approval to request an ERPO.
  - 1. If a member believes the behavior of the registered gun owner does not meet the requirements for an ERPO, but meets the requirements for a suspicious activity report (SAR) as outlined in GO-HSC-802.06 (Suspicious Activity Reporting Program), the member shall complete a SAR and notify the Intelligence Branch and the Gun Registration Unit.
- C. The notified supervisor shall determine if an ERPO is suitable or if there is a more appropriate course of action (i.e., a search warrant). If the supervisor approves the request for an ERPO:
  - 1. The member shall contact the Command Information Center (CIC). The CIC shall send a notification to the Gun Recovery Unit (GRU) alerting them of the request for an ERPO.
  - 2. The GRU shall be responsible for petitioning the DCSC for the ERPO. The member requesting the ERPO shall make him or herself available to the GRU to assist in completing the ERPO petition and be prepared to go to court if necessary.
- D. In addition, members may always inform concerned individuals that they may contact the Domestic Violence Division of the DCSC at (202)-879-0157 or access the District of Columbia Courts website at <http://www.dccourts.gov/ERPO> if they believe an ERPO is appropriate.
- E. The Civil Protection Order Unit shall continue to serve as the primary point of contact with the District of Columbia Superior Court and shall be responsible for tracking ERPOs issued by the court process.
- F. If a respondent peaceably surrenders any firearms or ammunition pursuant to an ERPO, such surrender shall preclude the arrest and prosecution of the respondent for violating, with respect to the firearms or ammunition surrendered:
  - 1. Unlawful possession of ammunition ("UA") (§ 7-2506.01);
  - 2. Unlawful possession of a firearm (§ 22-4503);
  - 3. Carrying a Pistol Without a License (§ 22-4504(a)); or

4. Unlawful carrying of a rifle or shotgun (§22-4504(a-1)).

NOTE: The immunity provision does not apply to persons possessing a firearm while committing a crime of violence or dangerous crime.

- G. In cases where an arrest may be warranted during the service of an ERPO, members shall contact an official for guidance.



Peter Newsham  
Chief of Police

PN:KDO:MOC:JC:KWC